

✓ FILED \_\_\_\_\_ LODGED

\_\_\_\_ RECEIVED \_\_\_\_\_ COPY

2016 MAR -9 P 4: 39

CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA

1 JOHN S. LEONARDO  
United States Attorney  
2 District of Arizona  
CARMEN F. CORBIN  
3 Assistant U.S. Attorney  
United States Courthouse  
4 405 W. Congress Street, Suite 4800  
Tucson, Arizona 85701  
5 Telephone: 520-620-7300  
Email: carmen.corbin@usdoj.gov  
6 Attorneys for Plaintiff

7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE DISTRICT OF ARIZONA

9 United States of America,

10 Plaintiff,

11 vs.

12 Mark Kessler,

13 Defendant.  
14  
15  
16

**CR 16 - 477 TUC** *Rm (LAB)*  
INDICTMENT

Violations:

**VICTIM CASE**

18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2)  
(Knowing Access of Child Pornography)

18 U.S.C. § 2253  
Forfeiture Allegation

17 **THE GRAND JURY CHARGES:**

18 From on or about a time unknown to on or about March 30, 2011, in Tucson, in  
19 the District of Arizona, MARK KESSLER did knowingly access with intent to view child  
20 pornography, that is, visual depictions, the production of which involved the use of  
21 minors, including pre-pubescent minors, engaging in sexually explicit conduct, as defined  
22 in Title 18, United States Code, Section 2256(2), and which depicted such conduct, that  
23 had been mailed, shipped and transported in interstate and foreign commerce by any  
24 means, including computer, and which was produced using materials which had been  
25 mailed and shipped and transported in interstate and foreign commerce; that is, MARK  
26 KESSLER used a computer, specifically an eMachines M2350 Laptop with Serial #  
27 N4046-000-00468, and the internet to knowingly access images of child pornography,  
28 including, but not limited to, the following files:

20110327065826-qxzbcdesjuqybalts[1].jpg;  
435127\_1299165479[1].jpg;  
435127\_1299104759[1].jpg;  
435127\_1298654185[1].jpg;  
435127\_1299178216[1].jpg;  
130126396140s[1].jpg;  
130145711866[1].jpg;  
13013897993s[1].jpg;  
130145724879s[1].jpg; and  
130146039863[1].jpg.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).

### **FORFEITURE ALLEGATION**

Upon conviction of the child pornography offense alleged in this Indictment, defendant, MARK KESSLER, shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253, any and all matter which contains any visual depictions, which were produced, transported, mailed, shipped or received; and any and all property, real or personal, used or intended to be used to commit or to promote the commission of the offenses, including but not limited to: an eMachines M2350 Laptop with Serial # N4046-000-00468, which contained child pornography images as more fully described above.

If the property described above, as a result of any act or omission of the defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of the court; d) has been substantially diminished in value; or e) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property, including, but not limited to, all property, both real and personal, owned by the defendant.

///

1 All pursuant to Title 18, United States Code, Section 2253 and Rule 32.2(a),  
2 Federal Rules of Criminal Procedure.

3  
4 A TRUE BILL

5 **/s/**

6 Presiding Juror

7 JOHN S. LEONARDO  
8 United States Attorney  
9 District of Arizona

10 **/s/**

11 CARMEN F. CORBIN  
12 Assistant U.S. Attorney

13 Date: March 9, 2016

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**REDACTED FOR  
PUBLIC DISCLOSURE**